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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,567

10/25/2003

Nick E. Ciavarella

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7590

12/08/2009

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EXAMINER

JACYNA, J CASIMER

ART UNIT

PAPER NUMBER

3754

MAIL DATE

DELIVERY MODE

12/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/693,567	Applicant(s) CIAVARELLA ET AL.	
	Examiner J. Casimer Jacyna	Art Unit 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3754

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Winder 5,489,047. Winder discloses a universal collar that is attached to a container 16 that includes a fluid pump as is the pressurized propellant within the container and is capable of being used with a keyed dispensing system as claimed (note that the keyed dispensing system is not part of the claimed combination, only the collar), with the universal collar including a body 24 with an axial bore surrounding the centerline in figure 6, a first flange 52, a second flange 58, with a keyless portion between the flanges to which is secured container portion 34 that is capable of bypassing a keyed system as claimed, and a recess 46 that receives projection 48 on the upper portion of the container assembly with the recess being located in an axially extending top edge 44 (claim 7) and notches in between the flange portions 58 as shown in figure 6 and the other element 46 in flange 52 (one element 46 being the recess as claimed and the other 46 being the notch). Note that as claimed, there is no structural difference between the notches and the recess.
3. Claims 2 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by UK 2,088,837. UK discloses a universal collar that is attached to a container 14 used in a dispenser 17 that includes a gravity based fluid pump 26 within the dispenser and is capable of being used with a keyed dispensing system as claimed (note that the keyed dispensing system is not part of the claimed combination, only the collar), with the universal collar including a body as is the assembly shown in the embodiment of figures

Art Unit: 3754

1 and 2 or figures 3-5 with an axial bore surrounding the centerline in figures 1 and 3, a first flange 15 or 46, a second flange 11 or 52/54, with a keyless portion between the flanges as claimed that is capable of bypassing a keyed system as claimed, a rib that is forwardly located with respect to the flanges such as the filled in portions between grooves 23 in figure 1 or 64 in figure 3 which ribs will be vertically oriented when the dispenser is in a storage position with the outlet at 30 or 76 facing up, and a recess (Claims 5-7) in flanges 52/54 in figure 3 that mates with projection 56 on the dispenser wherein the collar of UK includes notches as are 23 or 25 in figure 1 which are opposite the ribs extending between the notches 23, 25, or 78 and 62 in figure 3.

4. Applicant's arguments filed 9/23/2009 have been fully considered but they are not persuasive. Applicant contends that the references do not disclose notches, however, Winder discloses notches between the spaced flanges 58 and one of the elements 46 and UK discloses notches 23, 25, 78 and 62.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Mon. thru Fri. 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Casimer Jacyna/
Primary Examiner, Art Unit 3754